

01-30-12

PTO/SB/64 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Seiji KashiokaApplication No.: 10 / 593,889Art Unit: 2832Filed: 09/23/2006Examiner: MILLIKIN, ANDREW RTitle: Metronome responding to moving tempo

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the
United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set
for reply in the office notice or action plus any extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed
before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee☒ Small entity-fee \$ 930 (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.☐ Other than small entity-fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in
the form of paper enclosed (identify type of reply):
☐ has been filed previously on 01/31/2012 HVUONG1 00000029 10593889
☒ is enclosed herewith. in two payments 01 FC:2453
B. The issue fee and publication fee (if applicable) of \$ 930.00 OP
☐ has been paid previously on 01/31/2012 HVUONG1 00000004 10593889
☐ is enclosed herewith. 01 FC:1999 -010.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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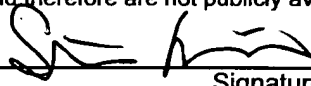
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

01/26/2012

Date

Seiji Kashioka

Type or Printed name

23151 LOS ALISOS BLVD., #33

Address

MISSION VIEJO, CA 92691

Address

Registration Number, If applicable

949-454-0331

Telephone Number

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate



RENEWED PETITION PURSUANT TO 37 C.F.R. §1.136(b)

Date: 01/26/2012

Application Number: 10 / 593,889 filed on 09/23/2006

Art Unit: 2832 Examiner: MILLIKIN, ANDREW R

Title: Metronome responding to moving tempo

Attorney handling this matter: Paul Shanowski

I received decision on petition under 37 C.F.R. §1.137(b), which told that the petition was dismissed because payment was not in full.

This renewed petition includes additional payment of \$120, with which total payment becomes \$930.

This renewed petition also includes full set of petition under 37 C.F.R. §1.137(b) with reply required to the outstanding Office Action. **Please abandon the original petition**, because it includes typing miss in amendments to the claim, and some changes in response letter.

REASON OF INSUFFICIENT PAYMENT

I paid \$810 in original petition, because website of USPTO showed it was \$810 at the 37 CFR 1.17(m). For non-professional applicant, I think it is quite reasonable to get current information from website of USPTO. I attach print out of corresponding portion of web page: it shows still old amount.

I ask sincerely approval of this renewed petition.

Sincerely,

Seiji Kashioka

01/26/2012

Image of Webpage of USPTO at 37 CFR \$1.17(m)

USPTO

CFR

FDIC Personal Dictionary... Market Apps Sound Editor WavePad Nero Burning ROM Recycle Bin Microsoft Office Word 2010 Adobe Photoshop... Adobe InDesign iTunes Kindle Norton 360 TheLot Iso... Nero Kwik Media... Setup Short cut

EN 7:33 PM 1/26/2012

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(i) Processing fee for taking action under one of the following sections which refers to this paragraph:
§ 1.28(c)(3)—for processing a non-itemized fee deficiency based on an error in small entity status.
§ 1.41—for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
§ 1.48—for correcting inventorship, except in provisional applications.
§ 1.52(d)—for processing a nonprovisional application filed with a specification in a language other than English.
§ 1.53(b)(3)—to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
§ 1.55—for entry of late priority papers.
§ 1.71(g)(2)—for processing a belated amendment under § 1.71(g).
§ 1.99(c)—for processing a belated submission under § 1.99.
§ 1.103(b)—for requesting limited suspension of action, continued prosecution application for a design patent (§ 1.53(d)).
§ 1.103(c)—for requesting limited suspension of action, request for continued examination (§ 1.114).

(l) For filing a petition for the revival of an unavoidably abandoned application under 35 U.S.C. 111, 133, 364, or 371, for the unavoidably delayed payment of the issue fee under 35 U.S.C. 151, or for the revival of an unavoidably terminated reexamination proceeding under 35 U.S.C. 133 (§ 1.137(a)):
By a small entity (§ 1.27(a)) ... \$270.00
By other than a small entity ... \$400.00
(m) For filing a petition for the revival of an unintentionally abandoned application, for the unintentionally delayed payment of the fee for issuing a patent, or for the revival of an unintentionally terminated reexamination proceeding under 35 U.S.C. 41(a)(7) (§ 1.137(b)):
By a small entity (§ 1.27(a)) ... \$810.00
By other than a small entity ... \$1,620.00
(n) For requesting publication of a statutory invention registration prior to the mailing of the first examiner's action pursuant to § 1.104 ... \$920.00 reduced by the amount of the application basic filing fee paid.
(o) For requesting publication of a statutory invention registration after the mailing of the first examiner's action pursuant to § 1.104 ... \$1,840.00 reduced by the amount of the application basic filing fee paid.

Rev. 8, July 2010

← \$1,173(m)
← \$810

Rev-07/08/2010

webpage as of 1/26/2012

Petition for revival of an application for patent abandoned unintentionally under 37 CFR 1.137(b)

Application No. : 10/593,889



Applicant of above application failed to submit correct action in time after received final rejection on 05/24/2011. But this was because of misunderstanding of the applicant about due date.

To explain the situation, chronological events are shown under:

No.	Date	Side *	Event
1	05/24/2011	PTO	Office action of Final Rejection was sent
2	08/23/2011	Apct	Response to office action was sent with amended claims. But it includes new issue to be examined.
3	09/22/2011	PTO	Advisory Action: 3 options were suggested (1)amendment, (2)Appeal , (3)RCE
4		Apct	Applicant misunderstood due date for necessary action was 3 months from the Advisory Action (=12/22/2011)
5	12/17/2011	PTO	e-mail which checked if any action had been sent or not.
6	12/17/2011	Apct	e-mail which told applicant were going to send reply (amendment) until 12/22.
7	12/18/2011	PTO	e-mail which told time was already expired (with maximum extension on 11/24/2011) but there was a way to revive the application by petition.

*Side: PTO: USPTO, Apct: Applicant

From above events, it is obvious that applicant misunderstood the due date and have had intention not to abandon the application. The applicant/inventor is an individual doing application by himself, and further he is non-native English speaker.
I petition the application is revived.

Sincerely

Seiji Kashioka